

REMARKS

In sections 3, 4 and 5 of the Office Action, the Examiner rejected claims 2-9 and 11 on the basis that the specification does not disclose a firewall device which comprises, in addition to the firewall itself, a wireless communication device. It is arguable what can be included under the term “firewall device” and what the term “wireless communication device” means. However, it is clear that the specification teaches in Figure 3 an interface module 210 inside the firewall device 222 and that this interface module is taught as having the function to establish data communications between the firewall module 220 and the wireless device 200 via a collocated wireless data terminal (transceiver) and the wireless network 202. Note that the wireless data terminal 208 is shown as coupled to the firewall 108 in Figures 2A and 2B and that the specification teaches the firewall 108 being coupled to the wireless device 200 via the wireless data terminal 208 in all embodiments. Thus, while the wireless data terminal 208 is shown outside the firewall in the drawings, a critical component of the wireless interface, module 210 is taught as inside the firewall. Further, Claim 11 has been amended to specify a “wireless communication interface module” which is part of the firewall device and which provides a limited management interface for a wireless remote device.

In general, a firewall may be embodied , for example, in a computer programmed to execute the network security application of the firewall, while the

computer is also provided with a wireless modem in the form of a wireless modem circuit board inserted into the computer, or in the form of other kinds of modem modules.

The applicant has chosen to amend the claims to use the term “network management equipment” with the intent of using this term to refer to the equipment comprising a firewall device and a wireless modem co-located at the same site. The co-location of the firewall and the wireless communication device connected to the firewall is evident from the examples given in the specification. For example, page 8, lines 9 to 22 illustrate that the connection between the wireless data device and the firewall may be for example a serial cable (RS232). As another example, the specification describes that the firewall may command the wireless data modem 208 using AT commands which are well known commands for controlling modems.

Thus, it is fair to say from the teachings of the specification, that the equipment defined in amended claim 11 refers to a single firewall apparatus or equipment at a single site.

Claim 11 has also been amended to more clearly recite that the network security application is that of the firewall device, and that the firewall device comprises a wireless communication interface module configured to provide for a remote wireless device a limited management user interface. The limited management user interface is for conducting a limited number of management

operations of the full management user interface for the network security application of the firewall device over a wireless remote connection established via a said co-located wireless communication device connected to said wireless communication interface module.

Claim 11 has also been amended to define that the firewall device is connectable between a first network and a second network, and that the network security application of the firewall device monitors traffic passing between the first network and the second network.

Win et al. fails to teach a network management equipment comprising a wireless communication device and a firewall device as defined in claim 11.

As noted previously, Win discloses a method for secure user access to authorized web resources, based upon the user's role in the organization that controls the web resources. The information is maintained in a protected server and the access is provided by an access server. The access server 106 is connected by a secure communication link to a registry server 108 which manages access to administrative information about user resources and roles of the user. In other words, Win teaches to manage user information via an access server and a registry server. Win et al. does not relate to management of a firewall.

The Examiner refers to column 21, lines 50-58 in Win as disclosing a firewall. However, Figure 8 in Win discloses the firewalls 802 and 804 arranged to protect the access server and the registry server, i.e., the servers which control the

access to the protected information and which are managed by the management interface in the system according to Win.

Win fails to teach that a firewall is provided with a security application, or with any management user interface which comprises mechanisms for conducting management operation for the network security application of the firewall over a secure data connection. Win also fails to teach a wireless communication interface module configured to provide for a remote wireless device a limited management user interface for conducting a limited number of management operations of the full management user interface for the network security application of the firewall device.

Win further fails to teach that the wireless communication interface module of a firewall device is connected to a co-located wireless communication device through which the wireless remote connection is established.

Moreover, Win fails to teach a limited management user interface. On the contrary, Win discloses only a full management user interface, namely an administrative application incorporated in an administrator work station 700 shown in Figure 7.

In item 8 of the office action, the Examiner rejects claim 11 as unpatentable over Win in view of newly cited document, U.S. patent 6,496,927 (McGrane et al.) The Examiner alleges that the McGrane reference discloses maintaining a limited user interface within a managed device, such as a firewall. McGrane discloses an

arrangement for controlling domestic entertainment electronics by a control unit which is operationally coupled to each of the devices to be controlled. A hand-held remote controller is used to present a user interface to the user. In response to input from the user, the remote sends infrared signals to the control unit, which responds to these IR signals by sending commands to the controlled devices. The control unit and the hand-held remote controller may be programmed by means of a personal computer.

McGrane has absolutely nothing to do with security management of data communication networks.

The Law of Obviousness

Suggestion is based on likelihood of success in solving the problem the inventors solved by making the combination or modification suggested by the Examiner. This question entails examination of the problems addressed by the prior art, and what functions are performed by elements taken from prior art references, their purpose, the environment in which they operate and how they interact with other elements. Technological incompatibility can arise out of a mismatch between any of these factors and the need or problem being addressed by the inventor.

The question underlying the issue of whether or not suggestion exists is this: Is there a reasonable likelihood of success in making the substitution or modification to the prior art needed to make the invention. Obviousness cannot be

PATENT

established by combining the teachings of the prior art to produce the claimed invention absent some teaching, suggestion or incentive to do so. In re Bond, 910 F.2d 831, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990). Suggestion arises from one of ordinary skill in the art perceiving a likelihood of success in solving the problem the inventors solved by making the combination. In other words, the consistent criterion for determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that this process should be carried out *and would have a reasonable likelihood of success, viewed in the light of the prior art*. See Burlington Industries v. Quigg, 822 F.2d 1581, 1583, 3 USPQ2d 1436, 1438 (Fed.Cir.1987); In re Hedges, 783 F.2d 1038, 1041, 228 USPQ 685, 687 (Fed.Cir.1986).

In deciding these question, one must examine the totality of the circumstances includes the problem addressed by the invention, the advantages, characteristics or properties the invention has etc. as well as all the other factors identified herein.

One of the big questions in deciding on the existence or non existence of obviousness is was all the knowledge needed to make the claimed invention present in the prior art. Where the prior art of a combination of references cited in support of an obviousness rejection does not teach an element needed to solve the problem the claimed invention solved, the obviousness argument must fail. In re Hayes Microcomputer Products, Inc., 982 F.2d 1527, 1541, 25 USPQ2d 1241

(Fed. Cir. 1992) [failure of prior art to teach a claimed method of detecting escape sequences in modems doomed obviousness invalidity argument of infringer even though escape sequences themselves were admittedly in the prior art].

Here, the prior art references applied by the Examiner do not teach a wireless device and process to manage security in a data communication network via a limited management interface provided wirelessly and controlled by the wireless device.

An important subsidiary question to the question of did the prior art teach all the knowledge necessary to make the invention is were the elements from the prior art which the Examiner combined in the claimed combination used in the prior art for the same purpose or do the same work as they do in the claimed combination? Ryco v. Ag Bag, 857 F.2d 1418, 8 USPQ2d 1323 (Fed.Cir. 1988).

Here, the wireless IR interface of McGrane is not used for controlling security in a data communication network and there is no firewall security application which has some of its management operations available through the wireless interface. Therefore, the teaching of a wireless interface in the prior art is not of the same structure nor for the same purpose as the wireless interface is used in the claimed invention. Thus, it is not fair to say that the prior art contains all the knowledge needed to make the invention used for the same purpose in the prior art as it is used in the claimed combination. To ascribe functionality to the prior art in the way that the Examiner has done here when the prior art does not

teach such functionality is hindsight reconstruction and negates obviousness.

Given these teachings of the prior art, there would have been no motivation to apply teachings of McGrane, which relates to domestic entertainment electronics, to the system of Win et al., which relates to management of access to web resources.

Moreover, McGrane teaches away from the present invention by teaching that all devices should be managed through a single centralized unit and control interface.

Based upon the above arguments, claim 11 is not obvious from the combination of Win et al. in view of McGrane.

Claims 2-9 are dependent on claim 11, and therefore are also patentable.

In section 7 of the Office Action, claims 12-13 are rejected as being anticipated by U.S. patent 6,640,097 (Corrigan et al.). In response to this rejection, claims 12 and 13 are cancelled.

A new claim 14 has been added which places the full management interface in a computer which is coupled to the firewall device and specifies a wireless data terminal collocated with the firewall that communicates with a remote wireless device to implement the limited management interface. The limited management interface inside the firewall is implemented in a wireless

PATENT

communication interface module which communicates with the wireless data terminal.

Dated: 12/12/06

Respectfully submitted,

Ronald C. Fish

Ronald Craig Fish

Reg. No. 28,843

Tel 408 778 3624

FAX 408 776 0426

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, Va. 22313-1450.

on 12/12/06
(Date of Deposit)

Ronald C. Fish

Ronald Craig Fish, President

Ronald Craig Fish, a Law Corporation

Reg. No. 28,843